

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO.04-12091-NMG

FREDERICK H. TARR, III,

Plaintiff

v.

TOWN OF ROCKPORT, MICHAEL
RACICOT, NICOLA BARLETTA,
CHARLES CLARK, ROXANNE TIERI and
JOANNE WILE,

Defendant

MOTION TO CONTINUE
SCHEDULING CONFERENCE

Now come the defendants in the in the above-referenced action and hereby move to continue the scheduling conference set for February 23, 2005, because undersigned defense counsel ("Town Counsel") must withdraw their appearance due to a newly-discovered conflict of interest.

MEMORANDUM OF REASONS

In a telephone conversation on January 31, 2005, plaintiff's counsel advised Town Counsel that a conflict of interest had emerged for Town Counsel and requested that Town Counsel withdraw its appearance. After investigating the conflict, Town Counsel has decided to withdraw its appearance in this matter. The defendants are in the process of securing new counsel.

The defendants respectfully request that the Scheduling Conference be continued to permit them to retain new counsel and allow new counsel the opportunity to familiarize themselves with the case before appearing before the Court.

WHEREFORE, the defendants respectfully request that the Court allow their motion to continue the Scheduling Conference scheduled for February 23, 2005.

ASSENTED TO:

PLAINTIFF,

By his attorney,

/s John Hamilton

John J. Hamilton (BBO# 218820)
10 Lee Park
South Hamilton, MA 01982
(978) 359-1029

DEFENDANTS,

By their attorneys,

/s Katharine Doyle

Darren R. Klein (BBO# 567354)
Katharine Goree Doyle (BBO# 634131)
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